

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

OSMAN KALOKO

Plaintiff,

v.

WELLS FARGO BANK, N.A.

Defendant.

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Civil Action No.: 1:20-cv-1243

NOTICE OF REMOVAL

Defendant WELLS FARGO BANK, N.A. (hereinafter “Defendant”) by and through counsel, hereby give notice of removal of the above action from the Circuit Court for Prince William County, Virginia (“Circuit Court”), to the United States District Court for the Eastern District of Virginia, Alexandria, pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to Section 28 U.S.C. § 1332. All requirements for removal of this action are met through the allegations contained in the pleadings filed in the Circuit Court and in this Notice of Removal.

In support of this Notice of Removal, Defendants state as follows:

1. There is pending in the Circuit Court for Prince William County, Virginia, a Complaint styled OSMAN KALOKO v. WELLS FARGO BANK, N.A. Case No. CL20-9599 (the “State Court Action”). The Complaint in the State Court Action was filed on or about September 21, 2020. A copy of the Complaint is attached hereto as **Exhibit A**.

2. Defendants received a copy of the Complaint in the State Court Action on September 29, 2020.

3. Defendants filed their Answer and Objection to Venue on or about October 15, 2020, in the Circuit Court for Prince William County, but no further proceedings have been had in the State Court Action. A copy of the above-references responsive pleading is attached hereto as **Exhibit B**.

4. This Notice of Removal is filed within thirty days of the date upon which Defendants first received a copy of the Complaint and is therefore timely pursuant to 28 U.S.C. § 1446(b).

5. The State Court Action is properly removed under 28 U.S.C. § 1441(a), because the State Court Action is subject to the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332, as explained below.

6. Defendant is informed and believe that plaintiff, Osman, is an individual residing in and a citizen of the Commonwealth of Virginia. See Exh, A, ¶ 1.

7. Defendant Wells Fargo Bank, N.A. is a National Association whose Articles of Association designate its principal office in Sioux Falls, South Dakota. Wells Fargo is, therefore, a citizen of South Dakota alone. See Wachovia Bank, Nat'l Ass'n v. Schmidt, 546 U.S. 303, 318, 126 S. Ct. 941, 952 (2006) (“one would sensibly ‘locate’ a national bank for the very same purpose, i.e., qualification for diversity jurisdiction, in the State designated in its articles of association as its main office.”); see also Washington v. Wells Fargo Bank, N.A., No. 3:15-cv-741, 2016 U.S. Dist. LEXIS 51710, at *2 (E.D. Va. Apr. 15, 2016) (“Wells Fargo is a national bank that has its principal place of business in South Dakota.”).

8. Plaintiff's Complaint seeks damages from Defendants in the amount of \$150,000.

9. This action is properly removed on grounds of diversity jurisdiction because (a) complete diversity of citizenship exists between Plaintiff and Defendant, and (b) the amount in controversy herein exceeds the sum or value of \$75,000, exclusive of interest and costs.

10. Written notice of the filing of this Notice of Removal will promptly be given to plaintiff and the Clerk of the Circuit Court for Prince William County, Virginia, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant WELLS FARGO BANK, N.A., respectfully request that this case proceed before this Court as an action properly removed.

/s/

Brian A. Cafritz, VSB# 34366

Jessica G. Relyea, VSB# 76775

Sophia M. Brasseux, VSB #94303

Wells Fargo Bank, N.A.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing Notice of Removal was mailed, first class, postage prepaid, this 20th day of October, 2020, to

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_____/s/_____
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